

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RONNELL SIMMONS,

Plaintiff,

v.

Case No. 2:20-cv-12355

District Judge Linda V. Parker

Magistrate Judge Kimberly G. Altman

CITY OF TRENTON, TRENTON  
POLICE CHIEF, TRENTON POLICE  
DEPARTMENT,

Defendants.

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**ORDER GRANTING DEFENDANTS' MOTION TO COMPEL**  
**(ECF No. 14)**

This is a civil rights case. Plaintiff Ronnell Simmons is suing Defendants the City of Trenton, the Trenton Police Chief, and the Trenton Police Department<sup>1</sup> claiming a violation of his constitutional rights stemming from an May 1, 2020 incident at the United States/Canadian border where authorities seized over \$47,000 in cash from Plaintiff.<sup>2</sup> Defendants filed a motion to compel based on

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<sup>1</sup> Plaintiff also sued the State of Michigan and the United States Border Patrol. The Court issued an order to show cause for failure to prosecute. (ECF No. 6). Plaintiff did not respond to the show cause order and the Court subsequently dismissed these defendants. (ECF No. 8).

<sup>2</sup> Plaintiff originally filed suit in the Northern District of Ohio. Defendants filed a motion to transfer venue, to which Plaintiff did not respond. The district court in the Northern District of Ohio granted Defendants' motion. *See* ECF No. 13, Page ID.147-149.

Plaintiff's failure to respond to their discovery requests and failure to file initial disclosures. (ECF No. 14). The motion was referred to the undersigned under 28 U.S.C. § 636(b)(1)(A). (ECF No. 17). For the reasons stated on the record at the hearing on August 17, 2021, the motion is GRANTED.

As stated at the hearing, Plaintiff has failed to: (1) file initial disclosures by April 29, 2021 as required by the Discovery Plan, *see* ECF No. 11; (2) respond to Defendants' First Interrogatories served on April 30, 2021, *see* ECF No. 14-7, PageID.109-113; (3) respond to Defendants' Request for Production of Documents served on April 30, 2021, *see* ECF No. 14-8, PageID.115-119; and (4) respond to Defendants' First Requests to Admit and Related Document Requests served on April 30, 2020, *see* ECF No. 14-9, PageID.121-130. Defendants advised Plaintiff in writing of these failures and asked that Plaintiff stipulate to respond to the overdue discovery or Defendants would file a motion to compel. *See* ECF No. 14-10, PageID.132, and ECF No. 14-11, PageID.134. Plaintiff failed to respond. Defendants then filed the instant motion.

Plaintiff's arguments for not responding as set forth in the response to Defendants' motion to compel and as stated on the record are neither persuasive nor legitimate grounds for failing to cooperate in discovery.

Accordingly, Plaintiff shall file responses to Defendants' Interrogatories, Requests for Production, and Requests for Admission within 14 days of entry of

this Order. Plaintiff shall answer or object to each interrogatory and request in accordance with Rule 33(b) and Rule 34(b)(2), and shall admit or deny each request for admission in accordance with Rule 36.

Plaintiff is warned that failure to timely and appropriately respond will result in Defendants' Requests for Admissions being deemed admitted. Plaintiff is also warned that a failure to timely and appropriately respond to Defendants' Interrogatories and Requests for Production of Documents may result in a recommendation that the case be dismissed for failure to comply with discovery under Rule 37(b)(2)(A).

Finally, Defendants are entitled to the reasonable attorney fees and costs incurred in connection with researching and drafting the motion to compel, researching and drafting the reply brief, and preparing for and attending the oral argument. *See* Fed. R. Civ. P. 37(a)(5). The award will be against Plaintiff's counsel, not Plaintiff, because there is no indication that the failure to respond was result of Plaintiff's conduct. Defendants' counsel shall file a bill of costs with a supporting affidavit or declaration within 14 days of this Order.

SO ORDERED.

Dated: August 17, 2021  
Detroit, Michigan

s/Kimberly G. Altman  
KIMBERLY G. ALTMAN  
United States Magistrate Judge

The parties' attention is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days from the date of receipt of a copy of this order within which to file objections for consideration by the district judge under 28 U.S.C. § 636(b)(1).

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 17, 2021.

s/Carolyn M. Ciesla  
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CAROLYN M. CIESLA  
Acting in the Absence of  
Case Manager Marie E. Verlinde